

REMARKS**Overview**

Claims 1-7 are pending in this application. Claims 8-17 have been cancelled. The present response is an earnest effort to place the application in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Elections/Restrictions

The provisional election of claims 1-7 is affirmed. Therefore, claims 8-17 have been cancelled.

Issues Under 35 U.S.C. § 102(b)

Claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 4,939,726 to Flammer et al. This rejection is respectfully traversed.

In particular, it is submitted that either the Examiner is misconstruing the language of the claims or misapplying the Flammer reference. In particular, claim 1 requires "contacting a second device's home network server over a transmission path, wherein the second device geographic position is stored on the home network server; requesting the second device geographic position; receiving the second device geographic position from the home network server over the transmission path into memory; transmitting the data and second device geographic position over the transmission path to a node having a node geographic position, wherein the node reads the second device geographic position, accesses a recipient geographic position for possible recipients, accesses the node geographic position, compares the node geographic position with the second device geographic position and selects a recipient based at least in part on the geographic proximity of the recipient to the second device; and transmitting the data from the node to the recipient over the transmission path."

Flammer does not disclose the claimed methodology. In Flammer, each node is uniquely identified by absolute geographical coordinates or a code indicating absolute location (Abstract). As shown best in Figure 2 of Flammer, each of Flammer's packets contain a uniquely identified absolute geographical coordinate or code (col. 2, lines 55-62).

Thus, the methodology of Flammer provides for receiving data at each node. At this point it is determined whether the data is intended for the current node. If not, an algorithm calculating the bearing and distance to the ultimate destination based on the geographic coordinate of the destination and the geographic coordinate of the local node is computed.

One of the most significant differences between Flammer and the invention of claim 1 is that Flammer's methodology is based on each node in a packet communication network having a uniquely identified absolute geographical coordinate or code indicating absolute location (col. 2, lines 55-62). According to claim 1, data is routed between a first device to a second device. A required step is "contacting a second device is home network server over a transmission path . . . requesting the second device geographic position . . . receiving the second device geographic position." These steps are significantly different than what is disclosed in Flammer because Flammer assumes that each node in its packet communication network uses its absolute geographic coordinate as a unique identifier. Thus, Flammer would have no reason to contact a recipient device's home network server to request and receive the geographic position of the second device. If Flammer knows the identity of the recipient device, then Flammer already has the geographic position of the recipient device. Therefore this rejection to claim 1 must be withdrawn. As claims 2 and 6-7 depend from claim 1, these rejections should also be withdrawn.

There is an independent reason for allowability of claim 6. In particular, claim 6 requires "wherein the second device geographic position is supplemented with a device identifier." This

limitation is not disclosed by Flammer. The Examiner indicates that this limitation is present due to the presence of the wide area net destination address (WANDA), col. 5, lines 8-9 of Flammer. The Examiner is simply mistaken. The WANDA address is a five byte address that is also expressed in geographic coordinates (col. 4, lines 64-col. 5, line 2). Thus, the WANDA address is a geographic position as opposed to a device identifier that supplements a geographic position. Moreover, the WANDA address is not "a device identifier" of claim 6 as it does not identify the second device. Therefore, it is respectfully submitted that this rejection should be withdrawn for this independent reason.

Issues Under 35 U.S.C. § 103

Claims 3-5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 4,939,726 to Flammer et al. in view of U. S. Patent No. 5,729,549 to Kostreski et al. These rejections are respectfully traversed.

In particular, the deficiencies of Flammer have already been addressed. Claim 3 makes the deficiencies of Flammer even more clear because claim 3 requires "wherein the transmission path is based in part on geographic position of claim 1 wherein the transmission path is wireless." As the Examiner recognizes, Flammer does not disclose this wireless path. It would be antithetical to the methodology described by Flammer for there to be a wireless path because Flammer discloses that "each node in a packet communication network is uniquely identified by absolute geographical coordinates or by code indicating absolute location in an external coordinate-based reference system (node coordinates), and such absolute geographical coordinates or the equivalent are employed as part of a packet identifier for each packet generated for use in making routing decisions (packet coordinates)" (col. 2, lines 55-62). Thus, Flammer's methodology would preclude the use of mobile nodes whose geographical coordinates

are changing such as would be associated with the nodes in a wireless network of claim 3. Flammer's incompatibility with the wireless methodology further makes clear that Flammer does not disclose the steps of "contacting a second device's home network server over a transmission path, wherein the second device geographic position is stored on the home network server; requesting the second device geographic position; receiving the second device geographic position from the home network server over the transmission path into memory".

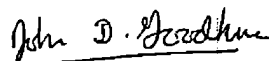
It is further observed that Kostreski does not remedy the deficiencies in Flammer. Therefore, it is respectfully submitted that these rejections should be withdrawn.

Conclusion

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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